

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

EXPRESS SCRIPTS, INC. and EXPRESS )  
SCRIPTS SENIOR CARE HOLDINGS, )  
INC., )

Plaintiffs, )

v. )

Case No. 4:17-cv-01520-RLW

kaléo, Inc., )

Defendant. )

**DEFENDANT KALEO, INC.’S UNOPPOSED MOTION TO AMEND ORDER SETTING  
RULE 16 CONFERENCE**

COMES NOW Defendant kaléo, Inc. (“Kaleo”), by and through its undersigned counsel, and for its Unopposed Motion to Amend Order Setting Rule 16 Conference states, as follows:

1. On July 14, 2017, the Court entered an Order Setting Rule 16 Conference. Doc. #32. The Court’s Order sets the Rule 16 Conference in this case for August 10, 2017, and requires counsel to file a Joint Proposed Scheduling Plan no later than August 3, 2017. *Id.*

2. Due to the press of business and travel schedules of Kaleo’s counsel, it will be very difficult for the parties to hold their Rule 26(f) conference in advance of the August 3, 2017 deadline to file the Joint Proposed Scheduling Plan.

3. Kaleo respectfully requests that the Court postpone the Rule 16 Conference and deadline for the Joint Proposed Scheduling Plan for at least two-weeks. The undersigned understands based on a telephone conversation with the Court’s staff that the Court is unavailable for the Rule 16 Conference the week of August 21, 2017. Accordingly, Kaleo proposes that the Court reschedule the Rule 16 Conference for August 30, August 29 or August 28, 2017 (the parties’

preference for dates is in that order), with the Joint Proposed Scheduling Plan due seven days in advance of the rescheduled Rule 16 Conference.

4. Counsel for Kaleo conferred with Plaintiffs' counsel prior to the filing of this motion, and Plaintiffs' counsel has no objection to the relief requested herein, and is available for the Rule 16 Conference on the requested dates.

5. Granting Defendant Kaleo, Inc. the requested extension of time will not unfairly prejudice Plaintiffs or delay the resolution of these proceedings.

WHEREFORE, Defendant Kaleo, Inc. respectfully requests the Court grant its motion and postpone the Rule 16 Conference and deadline for the Joint Proposed Scheduling Plan for at least two-weeks, and grant any other relief that the Court deems proper.

Dated: July 19, 2017

Respectfully submitted,

**DOWD BENNETT LLP**

By: /s/ John J. Rehmann, II

James F. Bennett #46826MO  
John J. Rehmann, II #61245MO  
7733 Forsyth Blvd., Suite 1900  
St. Louis, Missouri 63105  
(314)889-7300 (Telephone)  
(314) 863-2111 (Facsimile)  
jbennett@dowdbennett.com  
jrehmann@dowdbennett.com

Steven F. Barley (*pro hac vice*)  
Marc A. Marinaccio (*pro hac vice*)  
Hogan Lovells US LLP  
100 International Drive, Suite 2000  
Baltimore, Maryland 21202  
(410) 659-2700 (Telephone)  
(410) 659-2701 (Facsimile)  
steve.barley@hoganlovells.com  
marc.marinaccio@hoganlovells.com

*Attorneys for Defendant Kaléo, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 19, 2017, the foregoing was filed using the CM/ECF system, which will automatically provide notice to all attorneys of record by electronic means.

/s/ John J. Rehmann, II